



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2302858  
**Applicant Name:** Howland Homes  
**Address of Proposal:** 3001 NE 130th Street

**SUMMARY OF PROPOSED ACTION**

Master use permit to establish use for the construction of four (4), two-unit townhouses. Parking for 2 vehicles will be provided within each structure. The project includes the demolition of the existing structures.

The following approval is required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**      ☐ DNS      ☐ MDNS      ☐ EIS  
  
☒ DNS with conditions  
  
☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

**Site & Area Description**

The property is located at the southeast corner of the intersection of Northeast 130th Street and 30th Avenue Northeast. The latter street is fully improved, and it appears to have been landscaped heading southward from the site, and including the site. Northeast 130th Street is paved, but it does not have curbs or gutters. There is a sidewalk that appears to have been recently developed along the frontage of the subject property. There is no alley serving the property.

The site is zoned L2, as are properties adjacent to the east and across 30th Avenue NE to the west. Properties across NE 130th Street are zoned SF and developed with single family residences. The zone to the south is C1. King County Assessor records show that there is a retail store to the south, adjacent to the subject property; that property ownership wraps around the subject site to the east, in the L2 zone.

### Proposal

The applicant proposes to construct four two-unit townhouse buildings with access from NE 130th Street threading through the middle of the property, and all vehicular access and parking focused toward the center of the site. Open space would be toward the east and west sides of the property, and there would be a substantial landscaped yard facing NE 130th Street as well. The existing structure located on the property will be demolished.

### Public Comments

The public comment period for this project ended on 8 October 2003. No comment letters were received.

### ANALYSIS - SEPA

The proposed construction of eight dwelling units on the subject parcel is not categorically exempt from SEPA review, regardless of the presence of an identified Environmentally Critical Area (ECA) on the parcels (*SMC 25.05.800.A.2*). Thus the scope of environmental review is not limited to the proposed construction within the identified environmental critical area. The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 11, 2002. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (*SMC 25.05.665 D*) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations or circumstances (*SMC 25.05.665 D 1-7*) mitigation can be considered. Thus, a more detailed discussion of some of the potential impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from demolition and construction activities, and hydrocarbon

emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Adopted codes and/or ordinances provide mitigation for the identified impacts. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provides recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves the grading of approximately 25 cubic yards of material. Excess material to be disposed of off site must be deposited in an approved site. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. These Code provisions also provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require specific provisions for the removal of asbestos and the control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, due to the fact that demolition of existing buildings will occur, and do to the substantial size of the project (and associated length of the construction period), additional analysis of air quality and noise impacts is warranted.

### Noise

Noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited to nonholiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 p.m. on Saturdays (except that grading, delivery and pouring of cement, and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. A condition will be included pursuant to SEPA authority under SMC 25.05.675 A which requires that a copy of the PSCAA permit be submitted to DPD before issuance of the demolition

permit(s). This will assure proper handling and disposal of asbestos, if any is encountered on the proposal sites.

### Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential; and stability of the slope on site.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and, the City Energy Code which will require insulation for outside walls and energy efficient windows. Townhouse residential developments such as the current proposal generate approximately 9.5 average weekday trips per dwelling unit/lot, slightly less than one AM peak hour trip per lot and one PM peak hour trip per lot (ITE Manual, Sixth Ed., 1997). It is anticipated that after construction and upon occupation, the eight townhouse units, total, will generate approximately seventy-six (76) average daily trips and eight (8) AM and PM Peak Hour trips. These additional trips will not have a significant adverse impact on neighborhood traffic flow and intersections. Compliance with all applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts and no further conditioning is warranted by SEPA policies.

### DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

**CONDITIONS – SEPA**

Prior to Issuance of the DPD Building Demolition Permit(s)

The applicant/responsible party shall:

1. Submit a copy of the PSCAA demolition permit(s), if necessary.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturday). This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Signature: (signature on file) Date: December 29, 2003  
Paul Janos, Land Use Planner  
Department of Planning and Development